

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                   |   |                                |
|-----------------------------------|---|--------------------------------|
| <hr/> <b>EDUARDO RAMOS-THOMAS</b> | : |                                |
| <b>Petitioner,</b>                | : |                                |
|                                   | : |                                |
| <b>v.</b>                         | : | <b>CIVIL ACTION NO. 19-323</b> |
|                                   | : |                                |
| <b>THOMAS MCGINTELY, et al.</b>   | : |                                |
| <b>Respondents.</b>               | : |                                |
| <hr/>                             |   |                                |

**ORDER**

**AND NOW**, this 20th day of February 2020, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and all related filings, and upon review of the Report and Recommendation (“R&R”) of United States Magistrate Judge Jacob P. Hart,<sup>1</sup> it is hereby **ORDERED** that:

1. The R&R [Doc. No. 9] is **APPROVED AND ADOPTED**<sup>2</sup>;
2. The Petition for Writ of Habeas Corpus [Doc. No. 1] is **DISMISSED WITH PREJUDICE** and without an evidentiary hearing;
3. There is no probable cause to issue a certificate of appealability<sup>3</sup>; and
4. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

**BY THE COURT:**

/s/ **Cynthia M. Rufe**

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**CYNTHIA M. RUFE, J.**

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<sup>1</sup> Ramos did not file objections to the R&R.

<sup>2</sup> After an independent review of the record, the Court agrees with the R&R’s comprehensive analysis determining that Ramos’s Petition was untimely. As the R&R explained, even accepting all of Ramos’s arguments, he had until April 10, 2018 to file his Petition, but he did not file it until January 4, 2019—269 days late.

<sup>3</sup> There is no basis for concluding that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal citation omitted).